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Agenda item 68

Elimination of racism and racial discrimination

Report of the Third Committee

Rapporteur: Ms. Tebatso Future **Baleseng** (Botswana)

I. Introduction

1. At its 3rd plenary meeting, on 21 September 2007, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-second session the item entitled:

"Elimination of racism and racial discrimination:

"(a) Elimination of racism and racial discrimination;

"(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action"

and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the item jointly with item 69, entitled "Right of peoples to self-determination", at its 37th to 39th meetings, on 7 and 8 November 2007, and considered proposals and took action on item 68 at its 46th, 48th, 49th, 51st and 54th meetings, on 15, 19, 20, 21 and 28 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/62/SR.46, 48, 49, 51 and 54).

3. For its consideration of the item, the Committee had before it the following documents:

Item 68
Elimination of racism and racial discrimination

Letter dated 18 October 2007 from the representative of Pakistan to the Secretary-General, transmitting the final communiqué of the annual coordination meeting of the Ministers for Foreign Affairs of the States members of the Organization of the

Islamic Conference, held at United Nations Headquarters on 2 October 2007 (A/62/507-S/2007/636)

Item 68 (a)
Elimination of racism and racial discrimination

Report of the Committee on the Elimination of Racial Discrimination[1]

Note by the Secretary-General transmitting the interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/62/306)

Item 68 (b)
Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Report of the Human Rights Council on the preparations for the Durban Review Conference (A/62/375)

Report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/62/480)

4. At the 37th meeting, on 7 November, the representative of the New York Office of the United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/62/SR.37).

5. At the same meeting, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance made a presentation and engaged in a dialogue with the representatives of Portugal (on behalf of the States Members of the United Nations that are members of the European Union), Italy, the Russian Federation, Israel, the United States of America, Chile, the Libyan Arab Jamahiriya, China, Mexico, Ecuador, Jamaica, the Dominican Republic, Cuba, France and Haiti (see A/C.3/62/SR.37).

6. Also at the same meeting, the Vice-Chairperson of the Preparatory Committee for the Durban Review Conference made a statement on behalf of the Chairperson of the Preparatory Committee (see A/C.3/62/SR.37).

II. Consideration of proposals

A. Draft resolution A/C.3/62/L.61

7. At the 46th meeting, on 15 November, the representative of the Russian Federation, on behalf of Belarus, Cuba, Ethiopia, Kazakhstan, Kyrgyzstan, the Russian Federation, South Africa, the Sudan, Tajikistan, Turkmenistan, Uzbekistan, Venezuela (Bolivarian Republic of) and Zimbabwe, introduced a draft resolution entitled "Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance"

[1] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 18* (A/62/18).

(A/C.3/62/L.61). Subsequently, Angola, Benin, Bolivia, Cape Verde, Namibia and Nigeria joined in sponsoring the draft resolution.

8. At its 51st meeting, on 21 November, the Committee was advised that the draft resolution had no programme budget implications.

9. At the same meeting, the representative of the Russian Federation orally revised operative paragraph 3 of the draft resolution by replacing the words "desecrate, demolish, remove or transfer monuments" with the words "desecrate or demolish monuments".

10. Also at the same meeting, a statement was made by the representative of Turkmenistan (see A/C.3/62/SR.51).

11. Also at its 51st meeting, the Committee adopted draft resolution A/C.3/62/L.61, as orally revised, by a recorded vote of 122 to 1, with 52 abstentions (see para. 26, draft resolution I). The voting was as follows:

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Papua New Guinea, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland.

12. Before the vote, statements were made by the representatives of Portugal (on behalf of the States Members of the United Nations that are members of the European Union) and the United States of America; after the vote a statement was made by the representative of Switzerland (see A/C.3/62/SR.51).

B. Draft resolutions A/C.3/62/L.65 and Rev.1

13. At the 48th meeting, on 19 November, the representative of Pakistan, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, introduced a draft resolution entitled "From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action" (A/C.3/62/L.65). Subsequently, the Russian Federation joined in sponsoring the draft resolution, which read:

"*The General Assembly*,

"*Recalling* its resolution 52/111 of 12 December 1997, in which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, and its resolutions 56/266 of 27 March 2002, 57/195 of 18 December 2002, 58/160 of 22 December 2003, 59/177 of 20 December 2004 and 60/144 of 16 December 2005, which guided the comprehensive follow-up and effective implementation of the Conference, and in this regard underlining the importance of their full and effective implementation,

"*Recalling also* its resolution 61/149 of 19 December 2006 in which it decided to convene the Durban Review Conference in 2009,

"*Noting* all the relevant resolutions of the Commission on Human Rights on this subject and urging their full implementation,

"*Recalling* Human Rights Council resolution 3/2 of 8 December 2006 on the preparations for the Durban Review Conference in 2009,

"*Recalling also* the importance of Human Rights Council resolution 6/22 of 28 September 2007, in which the Council regretted the lack of political will to translate the Durban commitments into concrete action and tangible results,

"*Taking note* of Human Rights Council resolution 6/23 of 28 September 2007, in which the Council looked forward to the General Assembly's providing political guidance and taking further decisions, as and when necessary, to ensure a smooth and successful Durban Review Conference with a relevant substantive outcome complementary to the Durban Declaration and Programme of Action,

"*Underlining* the urgent need to end posturing about racism and calling upon all States to resolutely end impunity for acts of racism, racial discrimination, xenophobia and related intolerance, and to face the everyday realities and challenges of these scourges,

"I

"Convening of the Durban Review Conference

"1. *Expresses its profound disappointment* at the fact that, six years after the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the major commitments undertaken in the Durban Declaration and Programme of Action remain unfulfilled;

"2. *Welcomes* the report of the Preparatory Committee for the Durban Review Conference on its first session and underlines that the second session of the Preparatory Committee will elaborate further on the date, duration and level of participation so as to ensure a smooth and successful Review Conference;

"3. *Calls upon* Member States that are in a position to do so, to offer to host the regional preparatory conferences in their regions and to ensure the widest possible participation in these conferences, whose outcomes will contribute to the deliberations of the Preparatory Committee;

"4. *Decides* that the intersessional working group of the Preparatory Committee for the Durban Review Conference shall perform functions and undertake activities compatible with, and complementary to, the goals of the Review Conference and that its primary objective shall be to commence negotiations with a view to consolidating the draft outcome document of the Conference;

"5. *Notes with serious concern* that, in the sequel to the 2001 Durban World Conference, there is evidently no commitment for financial support to the Durban Review Conference from voluntary sources;

"6. *Requests*, in the above context, the United Nations High Commissioner for Human Rights to put in place effective mechanisms to ensure the availability of adequate financial resources for the successful convening of the Durban Review Conference;

"7. *Requests* the Secretary-General to allocate adequate funding, from the regular budget of the United Nations, for the regional preparatory conferences and the Durban Review Conference, including for the funding of delegations from least developed countries, as well as non-governmental organizations, in particular those from the developing countries;

"II

"International Convention on the Elimination of All Forms of Racial Discrimination

"8. *Reaffirms* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination are of paramount importance for the fight against racism, racial discrimination, xenophobia and related intolerance, including contemporary forms of racism and racial discrimination, and for the promotion of equality and non-discrimination in the world;

"9. *Urges* Member States to withdraw reservations contrary to the object and purpose of the Convention and to consider withdrawing other reservations;

"10. *Regrets* the fact that the deadline set by the 2001 Durban World Conference for the universal ratification of the Convention has not been met;

"III
"Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

"11. *Welcomes* the decision of the Human Rights Council, through its resolution 6/21 of 28 September 2007, to commence the process of the actual elaboration of the requisite legal instrument(s) complementary to the International Convention on the Elimination of All Forms of Racial Discrimination, and in this regard encourages the Council to continue its leadership and guidance of this process with a view to bringing it to an early and successful conclusion;

"12. *Requests* the Human Rights Council to identify other issues in the Durban Declaration and Programme of Action requiring urgent follow-up and to ensure that its subsidiary mechanisms created for the comprehensive follow-up to and effective implementation of the Durban Declaration and Programme of Action prepare appropriate recommendations on such issues for the Council's consideration and eventual implementation;

"13. *Also requests* the Human Rights Council to initiate close and effective collaboration between its subsidiary mechanisms and the independent eminent experts appointed by the Secretary-General to follow up the Durban Declaration and Programme of Action in order to ensure complementarity of efforts and to enhance effectiveness towards the achievement of the commitments undertaken in the Durban Declaration and Programme of Action;

"14. *Endorses* the decision of the Human Rights Council, as contained in its resolution 6/22 of 28 September 2007, to realign the work and name of the Anti-Discrimination Unit in the Office of the United Nations High Commissioner for Human Rights so as to render them consistent with its mandate, and its decision that henceforth the Unit should be known as the 'Anti-Racial Discrimination Unit' and that its operational activities should focus exclusively on racism, racial discrimination, xenophobia and related intolerance, as defined in paragraphs 1 and 2 of the Durban Declaration;

"15. *Welcomes* the determination of the United Nations High Commissioner for Human Rights to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance and her intention to make this a cross-cutting issue in the activities and programmes of her Office;

"IV

"Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

"16. *Expresses its full support and appreciation* for the work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and encourages its continuation;

"17. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur, and calls upon States to consider responding favourably to his requests for visits so as to enable him to fulfil his mandate fully and effectively;

"18. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the Anti-Racial Discrimination Unit;

"19. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit his reports to the General Assembly as required;

"20. *Welcomes* the reports of the Special Rapporteur and draws the attention of all States to the key issues of concern raised in these reports, and in this regard calls on States to implement such recommendations;

"V

"General

"21. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-third session;

"22. *Decides* to remain seized of this important matter at its sixty-third session under an item entitled 'Elimination of racism, racial discrimination, xenophobia and related intolerance'."

14. At its 54th meeting, on 28 November, the Committee had before it a revised draft resolution entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action" (A/C.3/62/L.65/Rev.1), submitted by the sponsors of draft resolution A/C.3/62/L.65, subsequently joined by Saudi Arabia and Uzbekistan.

15. At the same meeting, the representative of Pakistan orally revised draft resolution A/C.3/62/L.65/Rev.1 as follows:

(a) In operative paragraph 35, the words "shall have a central role" were replaced by the words "shall continue to have a central role";

(b) At the end of operative paragraph 41, the words ", bearing in mind the special procedures review process being undertaken by the Human Rights Council" were inserted;

(c) At the end of operative paragraph 50, the words "the venue, date, duration and precise level of participation" were replaced by the words "the allocation of funding from the regular budget of the United Nations for the convening of the Conference in 2009";

(d) In operative paragraph 51, after the words "in their regions", the words "consistent with the objectives of the Durban Review Conference" were inserted;

(e) Operative paragraph 52, which read:

"*Decides* that the intersessional working group of the Preparatory Committee for the Durban Review Conference shall perform functions and undertake activities compatible with the goals of the Review Conference and that its primary objective shall be to commence negotiations with a view to consolidating the draft outcome document of the Conference",

was deleted and the remaining paragraphs were renumbered accordingly.

(f) Operative paragraph 53 (now paragraph 52), which read:

"*Requests* the Secretary-General to allocate adequate funding from the regular budget of the United Nations for the regional preparatory conferences and the Durban Review Conference, including for the funding of delegations from least developed countries, as well as non-governmental organizations, in particular those from the developing countries",

was replaced by:

"*Requests* the Secretary-General to allocate adequate funds from the regular budget of the United Nations, for expenses not covered in Preparatory Committee decision 1/12, to facilitate the participation of all the relevant special procedures and mechanisms of the Human Rights Council in the meetings of the Preparatory Committee and the regional preparatory conferences".

16. Also at the same meeting, the Secretary read out a statement of programme budget implications arising from draft resolution A/C.3/62/L.65/Rev.1 as orally revised, supplementing the statement of programme budget implications on draft resolution A/C.3/62/L.65 contained in document A/C.3/62/L.90.

17. At the same meeting, the representative of Israel made a statement (see A/C.3/62/SR.54).

18. Also at its 54th meeting, the Committee adopted draft resolution A/C.3/62/L.65/Rev.1, as orally revised, by a recorded vote of 119 to 45, with 6 abstentions (see para. 26, draft resolution II). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India,

Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Timor-Leste, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Armenia, Japan, Liechtenstein, New Zealand, Norway, Switzerland.

19. Before the vote, statements were made by the representatives the United States of America, Colombia, Portugal (on behalf of the States Members of the United Nations that are members of the European Union) and Armenia; after the vote, a statement was made by the representative of Japan (see A/C.3/62/SR.54).

C. Draft resolution A/C.3/62/L.66

20. At the 46th meeting, on 15 November, the representative of Angola, on behalf of the States Members of the United Nations that are members of the Group of African States, introduced a draft resolution entitled "Report of the Human Rights Council on the preparations for the Durban Review Conference" (A/C.3/62/L.66). Subsequently, Cuba, Dominica, Indonesia, Jamaica, Lebanon and Norway joined in sponsoring the draft resolution.

21. At the 49th meeting, on 20 November, the Secretary of the Committee read out a statement of programme budget implications arising from the draft resolution.

22. At the same meeting, the representative of the United States of America made a statement and requested a recorded vote on the draft resolution (see A/C.3/62/SR.49).

23. Also at the same meeting, the Committee adopted draft resolution A/C.3/62/L.66 by a recorded vote of 169 to 2, with 4 abstentions (see para. 26, draft resolution III). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

Australia, Cambodia, Canada, Fiji.

24. Before the adoption of the draft resolution, statements were made by the representatives of the United States of America and Israel (see A/C.3/62/SR.49).

D. Draft decision proposed by the Chairman

25. At its 54th meeting, on 28 November, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of the report of the Secretary-General (A/62/480) on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (see para. 27).

III. Recommendations of the Third Committee

26. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and other relevant human rights instruments,

Recalling the provisions of Commission on Human Rights resolutions 2004/16 of 16 April 2004[4] and 2005/5 of 14 April 2005,[5] as well as General Assembly resolutions 60/143 of 16 December 2005 and 61/147 of 19 December 2006 on this issue and resolution 61/149 of 19 December 2006 entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action",

Recalling also the Charter of the Nuremberg Tribunal and the Judgement of the Tribunal, which recognized, inter alia, the SS organization and all its integral parts, including the Waffen SS, as criminal and declared it responsible for many war crimes and crimes against humanity,

Recalling further the relevant provisions of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[6] in particular paragraph 2 of the Declaration and paragraph 86 of the Programme of Action,

Recalling equally the study undertaken by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[7] and taking note of his report,[8]

Alarmed, in this regard, at the spread in many parts of the world of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups,

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[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 660, No. 9464.
[4] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.
[5] Ibid., *2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.
[6] See A/CONF.189/12 and Corr.1, chap. I.
[7] E/CN.4/2006/16 and Add.1, Add.2 and Add.2/Corr.1, Add.3 and Add.4.
[8] See A/62/306.

1. *Reaffirms* the provision of the Durban Declaration[1] in which States condemned the persistence and resurgence of neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial and national prejudice and stated that those phenomena could never be justified in any instance or in any circumstances;

2. *Expresses deep concern* about the glorification of the Nazi movement and former members of the Waffen SS organization, including by erecting monuments and memorials as well as holding public demonstrations in the name of the glorification of the Nazi past, the Nazi movement and neo-Nazism;

3. *Also expresses concern* at recurring attempts to desecrate or demolish monuments erected in remembrance of those who fought against Nazism during the Second World War, as well as to unlawfully exhume or remove the remains of such persons, and urges States in this regard to fully comply with their relevant obligations, inter alia, under article 34 of Additional Protocol I to the Geneva Conventions of 1949;[9]

4. *Notes with concern* the increase in the number of racist incidents in several countries and the rise of skinhead groups, which have been responsible for many of these incidents, as well as the resurgence of racist and xenophobic violence targeting members of ethnic, religious or cultural communities and national minorities, as observed by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in his latest report;[8]

5. *Reaffirms* that such acts may be qualified to fall within the scope of activities described in article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination,[3] and that they may represent a clear and manifest abuse of the rights to freedom of peaceful assembly and of association as well as the rights to freedom of opinion and expression within the meaning of those rights as guaranteed by the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights[2] and the International Convention on the Elimination of All Forms of Racial Discrimination;

6. *Stresses* that the practices described above do injustice to the memory of the countless victims of crimes against humanity committed in the Second World War, in particular those committed by the SS organization, and poison the minds of young people, and that those practices are incompatible with the obligations of States Members of the United Nations under its Charter and are incompatible with the goals and principles of the Organization;

7. *Also stresses* that such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups;

8. *Emphasizes* the need to take the necessary measures to put an end to the practices described above, and calls upon States to take more effective measures in accordance with international human rights law to combat those phenomena and the extremist movements, which pose a real threat to democratic values;

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[9] United Nations, *Treaty Series*, vol. 1125, No. 17512.

9. *Reaffirms* that, according to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, States parties to that instrument are, inter alia, under the obligation:

(a) To condemn all propaganda and all organizations that are based on ideas of racial superiority or that attempt to justify or promote racial hatred and discrimination in any form;

(b) To undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention;

(c) To declare as an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(d) To declare illegal and prohibit organizations and organized and all other propaganda activities that promote and incite racial discrimination and to recognize participation in such organizations or activities as an offence punishable by law;

(e) To prohibit public authorities or public institutions, national or local, from promoting or inciting racial discrimination;

10. *Encourages* those States that have made reservations to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination to give serious consideration to withdrawing such reservations as a matter of priority;

11. *Recalls* the request of the Commission on Human Rights in its resolution 2005/5[5] that the Special Rapporteur continue to reflect on this issue, make relevant recommendations in his future reports and seek and take into account in this regard the views of Governments and non-governmental organizations;

12. *Urges* Governments and non-governmental organizations to cooperate fully with the Special Rapporteur in the exercise of the aforementioned task;

13. *Decides* to remain seized of the issue.

Draft resolution II
Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling its resolution 52/111 of 12 December 1997, in which it decided to convene the third World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and its resolutions 56/266 of 27 March 2002, 57/195 of 18 December 2002, 58/160 of 22 December 2003, 59/177 of 20 December 2004 and 60/144 of 16 December 2005, which guided the comprehensive follow-up to and effective implementation of the Conference, and in this regard underlining the importance of their full and effective implementation,

Recalling also its resolution 61/149 of 19 December 2006, in which it decided to convene in 2009 a review conference on the implementation of the Durban Declaration and Programme of Action[1] to be conducted within the framework of the General Assembly, hereinafter referred to as the Durban Review Conference,

Noting, in the above context, the decisions of the Preparatory Committee for the Durban Review Conference at its organizational session,[2] including its decision 1/13 on the objectives of the Durban Review Conference,

Noting also all the relevant resolutions and decisions of the Commission on Human Rights and of the Human Rights Council on this subject, and calling for their implementation,

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Convinced that racism, racial discrimination, xenophobia and related intolerance manifest themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

Underlining the primacy of political will, international cooperation and adequate funding at the national, regional and international levels for the successful implementation of the Durban Programme of Action,

Alarmed at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at

[1] See A/CONF.189/12 and Corr.1, chap. I.

[2] A/62/375, annex I.

large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Underlining the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Welcoming the determination of the United Nations High Commissioner for Human Rights to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance and her intention to make this a cross-cutting issue in the activities and programmes of her Office,

Taking note of the report of the Secretary-General[3] and the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[4]

I
General principles

1. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

2. *Expresses its profound concern about and its unequivocal condemnation* of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

3. *Expresses deep concern* at recent attempts to establish hierarchies among emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance, and urges States to adopt measures to address these scourges with the same emphasis and vigour with a view to preventing this practice and protecting victims;

4. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

5. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

6. *Also recognizes* that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of

[3] A/62/480.
[4] See A/62/306.

discrimination based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property, birth or other status;

7. *Reaffirms* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law;

8. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

9. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

10. *Condemns* the misuse of print, audio-visual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred, and calls upon States to take all necessary measures to combat this form of racism in accordance with the commitments that they have undertaken under the Durban Declaration and Programme of Action,[1] in particular paragraph 147 of the Programme of Action, in accordance with existing international and regional standards of freedom of expression and taking all necessary measures to guarantee the right to freedom of opinion and expression;

11. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for all cultures, civilizations, religions, peoples and countries;

12. *Stresses* the responsibility of States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

II
International Convention on the Elimination of All Forms of Racial Discrimination

13. *Reaffirms* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination[5] are of paramount importance for the fight against racism, racial discrimination, xenophobia and related intolerance, including contemporary forms of racism and racial discrimination, and for the promotion of equality and non-discrimination in the world;

14. *Reiterates* the call made by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in paragraph 75 of the Durban Programme of Action, to achieve universal ratification of the Convention by 2005 and for all States to consider making the declaration envisaged under article 14 of the Convention, and endorses the grave concern expressed by the Commission on

[5] United Nations, *Treaty Series*, vol. 660, No. 9464.

Human Rights in its resolution 2005/64 of 20 April 2005[6] to the effect that, with one hundred and seventy-three ratifications and only forty-nine declarations, the deadline for universal ratification decided by the World Conference has, regrettably, not been realized;

15. *Urges*, in the above context, the Office of the United Nations High Commissioner for Human Rights to maintain and issue regular updates on its website of a list of countries that have not yet ratified the Convention and to encourage such countries to ratify it at the earliest;

16. *Expresses its concern* at the serious delays in the submission of overdue reports to the Committee on the Elimination of Racial Discrimination, which impedes the effectiveness of the Committee, makes a strong appeal to all States parties to the Convention to comply with their treaty obligations, and reaffirms the importance of the provision of technical assistance to the requesting countries in the preparation of their reports to the Committee;

17. *Invites* States parties to the Convention to ratify the amendment to article 8 of the Convention on the financing of the Committee, and calls for adequate additional resources from the regular budget of the United Nations to enable the Committee to discharge its mandate fully;

18. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights[7] and article 5 of the Convention;

19. *Welcomes* the work of the Committee in applying the Convention to the new and contemporary forms of racism and racial discrimination;

20. *Recalls* that the Committee holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

21. *Welcomes* the emphasis placed by the Committee on the importance of follow-up to the World Conference and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;[8]

III
Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

22. *Acknowledges* that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is on an equal footing with the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

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[6] *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[7] Resolution 217 A (III).

[8] See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 18* (A/57/18), chap. XI, sect. E.

23. *Also acknowledges* that the World Conference, which was the third world conference against racism, was significantly different from the previous two conferences, as evidenced by the inclusion in its title of two important components relating to contemporary forms of racism, namely, xenophobia and related intolerance;

24. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action;

25. *Reaffirms its commitment* to eliminating all forms of racism, racial discrimination, xenophobia and other forms of related intolerance against indigenous peoples and, in this regard, notes the attention paid to the objectives of combating prejudice and eliminating discrimination and promoting tolerance, understanding and good relations among indigenous peoples and all other segments of society in the United Nations Declaration on the Rights of Indigenous Peoples;[9]

26. *Emphasizes* the fundamental and complementary role of national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the achievement of the objectives of the Durban Declaration and Programme of Action;

27. *Welcomes* the steps taken by numerous Governments, in particular the elaboration and implementation of national action plans to combat racism, racial discrimination, xenophobia and related intolerance, and steps taken by national human rights institutions and non-governmental organizations, towards the full implementation of the Durban Declaration and Programme of Action, and affirms this trend as a demonstration of commitment for the elimination of all scourges of racism at the national level;

28. *Calls upon* all States that have not yet elaborated their national action plans on combating racism, racial discrimination, xenophobia and related intolerance to comply with their commitments undertaken at the World Conference;

29. *Calls upon* all States to formulate and implement without delay, at the national, regional and international levels, policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

30. *Acknowledges and supports* the initiative led by the States members of the Caribbean Community and other Member States for the establishment of a permanent memorial at the United Nations to the victims of slavery and the transatlantic slave trade as a contribution towards the fulfilment of paragraph 101 of the Durban Declaration, expresses its appreciation for contributions made to the voluntary fund established in this regard, and urges other countries to contribute to the fund;

31. *Urges* States to support the activities of existing regional bodies or centres that combat racism, racial discrimination, xenophobia and related

[9] Resolution 61/295, annex.

intolerance in their respective regions, and recommends the establishment of such bodies in all regions where they do not exist;

32. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in assisting States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

33. *Decides* that the General Assembly, through its role in policy formulation, the Economic and Social Council, through its role in overall guidance and coordination, in accordance with their respective roles under the Charter of the United Nations and Assembly resolution 50/227 of 24 May 1996, and the Human Rights Council shall constitute a three-tiered intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;

34. *Stresses and reaffirms* its role as the highest intergovernmental mechanism for the formulation and appraisal of policy on matters related to the economic, social and related fields, in accordance with Chapter IX of the Charter, including in the comprehensive implementation of and follow-up to the goals and targets set at all the major United Nations conferences, summits and special sessions;

35. *Reaffirms* that the Human Rights Council shall continue to have a central role in the monitoring of the implementation of the Durban Declaration and Programme of Action within the United Nations system and in advising the General Assembly thereon;

36. *Expresses its appreciation* for the continuing work in follow-up to the World Conference undertaken by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action and the Working Group of Experts on People of African Descent;

37. *Acknowledges* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference, and to this end emphasizes the importance of the mandate of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, especially in mobilizing the necessary political will required for the successful implementation of the Declaration and Programme of Action;

38. *Requests* the Secretary-General to provide the necessary resources for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent and the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action;

39. *Expresses its concern* at the increasing incidence of racism in various sporting events, while noting with appreciation the efforts made by some governing bodies of the various sporting codes to combat racism, and in this regard invites all

international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination;

40. *Invites*, in this context, the Fédération internationale de football association, in connection with the 2010 soccer World Cup tournament to be held in South Africa, to consider introducing a visible theme on non-racism in football, requests the Secretary-General to bring this invitation to the attention of the Fédération and to bring the issue of racism in sport to the attention of other relevant international sporting bodies, and, in this regard, appreciates the joint efforts of the Government of Germany, the Secretary-General and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance during the 2006 World Cup;

IV

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

41. *Expresses its full support and appreciation* for the work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and encourages its continuation, bearing in mind the special procedures review process being undertaken by the Human Rights Council;

42. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur, and calls upon States to consider responding favourably to his requests for visits so as to enable him to fulfil his mandate fully and effectively;

43. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, as well as all religious communities, communities of people of African descent, communities of people of Asian descent, communities of indigenous people and other communities;

44. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the Anti-Discrimination Unit;

45. *Urges* the United Nations High Commissioner for Human Rights to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

46. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit a report to the General Assembly at its sixty-third session;

47. *Takes note* of the recommendations contained in the interim report of the Special Rapporteur,[4] and urges Member States and other relevant stakeholders to consider implementing those recommendations;

48. *Requests* the Special Rapporteur to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights by national or ethnic, religious and linguistic minorities, immigrant populations, asylum-seekers and refugees;

49. *Invites* Member States to demonstrate greater commitment to fighting racism in sport by conducting educational and awareness-raising activities and by strongly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations;

V
Convening of the Durban Review Conference

50. *Welcomes* the report of the Preparatory Committee for the Durban Review Conference on its organizational session,[10] and underlines that the Preparatory Committee shall at its first substantive session, in accordance with its decision 1/14,[11] discuss, inter alia, the organization of the work of the Conference and other matters, including the allocation of funding from the regular budget of the United Nations for the convening of the Conference in 2009;

51. *Calls upon* Member States that are in a position to do so to offer to host the regional preparatory conferences in their regions consistent with the objectives of the Durban Review Conference and to ensure the widest possible participation in these conferences, whose outcomes will contribute to the deliberations of the Preparatory Committee;

52. *Requests* the Secretary-General to allocate adequate funds from the regular budget of the United Nations, for expenses not covered in Preparatory Committee decision 1/12, to facilitate the participation of all the relevant special procedures and mechanisms of the Human Rights Council in the meetings of the Preparatory Committee and the regional preparatory conferences;

VI
General

53. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-third session;

54. *Decides* to remain seized of this important matter at its sixty-third session under an item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance".

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[10] A/62/375.

[11] Ibid., annex I.

Draft resolution III
Report of the Human Rights Council on the preparations for the Durban Review Conference

The General Assembly,

Taking note of its resolution 61/149 of 19 December 2006 and Human Rights Council resolution 3/2 of 8 December 2006,[1]

Recalling Human Rights Council decision 6/105 of 28 September 2007,[2] in which the Council invited the Preparatory Committee for the Durban Review Conference to submit its reports to the General Assembly,

Bearing in mind that the modalities of the Review Conference have yet to be finalized,

1. *Welcomes* the report of the Preparatory Committee for the Durban Review Conference on its first session,[3] including its annexes and appendices, in particular the decisions adopted by the Preparatory Committee at its organizational session;[4]

2. *Endorses* the decisions adopted by the Preparatory Committee at its organizational session.

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[1] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. II, sect A.

[2] See A/HRC/6/L.11 (to be issued in final form as part of *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. I, sect. B.

[3] A/62/375.

[4] Ibid., annex I.

27. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Document considered by the General Assembly in connection with the elimination of racism and racial discrimination

The General Assembly decides to take note of the report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action.[1]

[1] A/62/480.

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Right of peoples to self-determination

Report of the Third Committee

Rapporteur: Ms. Tebatso Future **Baleseng** (Botswana)

I. Introduction

1. At its 3rd plenary meeting, on 21 September 2007, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-second session the item entitled "Right of peoples to self-determination" and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the agenda item jointly with item 68, entitled "Elimination of racism and racial discrimination", at its 37th to 39th meetings, on 7 and 8 November 2007 and considered proposals and took action on the item at its 42nd, 46th, 47th, 48th, 49th and 51st meetings, on 9, 15, 16, 19, 20 and 21 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/62/SR.37-39, 42, 46-49 and 51).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the universal realization of the right of peoples to self-determination (A/62/184);

(b) Note by the Secretary-General transmitting the report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/62/301).

4. At the 37th meeting, on 7 November, the representative of the New York Office of the United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/62/SR.37).

5. At the same meeting, the Chairperson of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination made a presentation and engaged in a dialogue with the representatives of Panama, Ecuador, Venezuela (Bolivarian Republic of),

the United States of America, Peru, the Russian Federation, Chile, the Libyan Arab Jamahiriya, Cuba and Honduras (see A/C.3/62/SR.37).

II. Consideration of proposals

A. Draft resolution A/C.3/62/L.56

6. At the 42nd meeting, on 9 November, the representative of Pakistan, on behalf of Algeria, Angola, Armenia, Azerbaijan, Bahrain, Bangladesh, Brunei Darussalam, Cameroon, China, Egypt, Eritrea, Iran (Islamic Republic of), Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, the Niger, Nigeria, Oman, Pakistan, Qatar, Saudi Arabia, Singapore, South Africa and the United Arab Emirates, introduced a draft resolution entitled "Universal realization of the right of peoples to self-determination" (A/C.3/62/L.56). Subsequently, Benin, Burkina Faso, Chad, the Comoros, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Guinea, Liberia, Mali, Mauritania, Saint Lucia, Somalia, Thailand and Tunisia joined in sponsoring the draft resolution.

7. At its 47th meeting, on 16 November, the Committee was advised that the draft resolution had no programme budget implications.

8. At the same meeting, the Committee adopted draft resolution A/C.3/62/L.56 without a vote (see para. 23, draft resolution I).

9. After the adoption of the draft resolution, statements were made by the representatives of Venezuela (Bolivarian Republic of), Argentina, Portugal (on behalf of the States Members of the United Nations that are members of the European Union and associated countries) and Liechtenstein (see A/C.3/62/SR.47).

B. Draft resolution A/C.3/62/L.62

10. At the 46th meeting, on 15 November, the representative of Cuba, on behalf of Angola, Botswana, China, the Comoros, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, the Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Honduras, Iran (Islamic Republic of), the Lao People's Democratic Republic, Liberia, Myanmar, Nicaragua, Peru, South Africa, Sri Lanka, the Sudan, the Syrian Arab Republic, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe, introduced a draft resolution entitled "Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination" (A/C.3/62/L.62). Subsequently, Algeria, Benin, Bolivia, the Gambia, the Libyan Arab Jamahiriya and the Russian Federation joined in sponsoring the draft resolution.

11. At the 51st meeting, on 21 November, the Secretary of the Committee read out a statement regarding the programme budget implications of the draft resolution (see A/C.3/62/SR.51).

12. At the same meeting, the representative of Cuba orally revised draft resolution A/C.3/62/L.62 as follows:

(a) The sixth preambular paragraph, which read:

"*Concerned* at the low level of ratification of and accession to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, and considering the possible future use of a model law to facilitate the accession of the States that wish to become parties to the Convention",

was deleted;

(b) In the ninth (formerly the tenth) preambular paragraph, the word "noting" was inserted before the words "the fact that";

(c) In operative paragraph 15, the words "in Panama" were inserted after the words "for convening".

13. Subsequently, Belarus, Costa Rica, Ethiopia, Ghana, Kenya, Lesotho, Madagascar, Malawi, Namibia, Nigeria, Pakistan, Panama, Sierra Leone, Swaziland, Togo, the United Republic of Tanzania and Zambia joined in sponsoring the draft resolution, as orally revised.

14. Also at its 51st meeting, the Committee adopted draft resolution A/C.3/62/L.62, as orally revised, by a recorded vote of 122 to 51, with 6 abstentions (see para. 23, draft resolution II). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Netherlands, Norway, Palau, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav

Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Chile, Fiji, Liechtenstein, New Zealand, Switzerland, Tunisia.

15. Before the vote, a statement was made by the representative of Portugal (on behalf of the States Members of the United Nations that are members of the European Union); after the vote, statements were made by the representatives of Argentina and Chile (see A/C.3/62/SR.51).

C. Draft resolution A/C.3/62/L.63

16. At the 48th meeting, on 19 November, the representative of Egypt, on behalf of Afghanistan, Albania, Algeria, Angola, Armenia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cape Verde, China, the Comoros, the Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Gabon, the Gambia, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Jamaica, Jordan, Kenya, Kuwait, the Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, the Libyan Arab Jamahiriya, Lithuania, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Monaco, Morocco, Myanmar, Namibia, New Zealand, Nicaragua, the Niger, Nigeria, Norway, Oman, Pakistan, Poland, Portugal, Qatar, Romania, the Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, South Africa, Spain, Sri Lanka, the Sudan, Sweden, Switzerland, Togo, Tunisia, Turkey, the United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe and Palestine, introduced a draft resolution entitled "The right of the Palestinian people to self-determination" (A/C.3/62/L.63). Subsequently, Bolivia, Dominica, Liechtenstein, Luxembourg, Malawi, Moldova, Montenegro, Mozambique, San Marino, Slovakia, Slovenia, Suriname, the former Yugoslav Republic of Macedonia, Timor-Leste and the United Republic of Tanzania joined in sponsoring the draft resolution.

17. At its 49th meeting, on 20 November, the Committee was advised that the draft resolution had no programme budget implications.

18. At the same meeting, the representative of Egypt made a statement (see A/C.3/62/SR.49).

19. Also at the same meeting, the representative of Israel made a statement and requested a recorded vote on the draft resolution (see A/C.3/62/SR.49).

20. Also at its 49th meeting, the Committee adopted draft resolution A/C.3/62/L.63 by a recorded vote of 172 to 5, with 5 abstentions (see para. 23, draft resolution III). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and

Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America.

Abstaining:

Australia, Cameroon, Canada, Equatorial Guinea, Fiji.

21. Before the vote, statements were made by the representatives of Israel, the United States of America and Australia; after the vote, statements were made by the representatives of Argentina, Portugal and Canada (see A/C.3/62/SR.49).

22. At the same meeting, the observer of Palestine made a statement (see A/C.3/62/SR.49).

III. Recommendations of the Third Committee

23. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,[1] as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation, adopted by the Commission on Human Rights at its sixty-first[2] and previous sessions,

Reaffirming its previous resolutions on the universal realization of the right of peoples to self-determination, including resolution 61/150 of 19 December 2006,

Reaffirming also its resolution 55/2 of 8 September 2000, containing the United Nations Millennium Declaration, and recalling its resolution 60/1 of 16 September 2005, containing the 2005 World Summit Outcome, which, inter alia, upheld the right to self-determination of peoples under colonial domination and foreign occupation,

Taking note of the report of the Secretary-General on the right of peoples to self-determination,[3]

1. *Reaffirms* that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination

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[1] Resolution 2200 A (XXI), annex.

[2] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[3] A/62/184.

is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. *Declares its firm opposition* to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. *Calls upon* those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, in particular the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. *Deplores* the plight of millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. *Requests* the Human Rights Council to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. *Requests* the Secretary-General to report on this question to the General Assembly at its sixty-third session under the item entitled "Right of peoples to self-determination".

Draft resolution II
Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,

Recalling all of its previous resolutions on the subject, including resolution 61/151 of 19 December 2006, and taking note of Commission on Human Rights resolution 2005/2 of 7 April 2005,[1]

Recalling also all of its relevant resolutions in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the elimination of mercenarism in Africa,[2] as well as the African Union,[3]

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or of the threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right freely to determine their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[4]

Alarmed and concerned at the danger that the activities of mercenaries constitute to peace and security in developing countries, in particular in Africa and in small States,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from criminal mercenary activities,

Extremely alarmed and concerned about recent mercenary activities in Africa and other places and the threat they pose to the integrity of and respect for the constitutional order of those countries,

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[1] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[2] United Nations, *Treaty Series*, vol. 1490, No. 25573.

[3] On 8 July 2002, the Organization of African Unity ceased to exist and, in its place, the African Union came into force on 9 July 2002.

[4] Resolution 2625 (XXV), annex.

Concerned by the new modalities of mercenarism, and noting that the recruitment of former military personnel and ex-policemen by private military and private security companies to serve in their employ as "security guards" in zones of armed conflict seems to be continuing,

Convinced that, notwithstanding the way in which they are used or the form that they take to acquire some semblance of legitimacy, mercenaries or mercenary-related activities are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of all human rights by peoples,

1. *Takes note* of the report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;[5]

2. *Reaffirms* that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflict, terrorism, arms trafficking and covert operations by third Powers, inter alia, encourage the demand for mercenaries on the global market;

4. *Urges once again* all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination;

5. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries, including nationals, by private companies offering international military consultancy and security services, as well as to impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes;

6. *Encourages* States that import the military assistance, consultancy and security services provided by private companies to establish regulatory national mechanisms for the registering and licensing of those companies in order to ensure that imported services provided by those private companies neither impede the enjoyment of human rights nor violate human rights in the recipient country;

7. *Calls upon* all States that have not yet done so to consider taking the necessary action to accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;[6]

8. *Welcomes* the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

[5] See A/62/301.

[6] United Nations, *Treaty Series*, vol. 2163, No. 37789.

9. *Condemns* mercenary activities in Africa, and commends the Governments of Africa on their collaboration in thwarting those illegal actions, which have posed a threat to the integrity of and respect for the constitutional order of those countries and the exercise of the right of their peoples to self-determination;

10. *Calls upon* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with domestic law and applicable bilateral or international treaties;

11. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice;

12. *Calls upon* Member States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;

13. *Requests* the Working Group to continue the work already done by the previous Special Rapporteurs on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur in his report to the Commission on Human Rights at its sixtieth session;[7]

14. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

15. *Expresses its appreciation* to the Office of the High Commissioner for its support for convening in Panama the regional governmental consultation for Latin American and Caribbean States on traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, in particular regarding the effects of the activities of private military and security companies on the enjoyment of human rights, and requests the Office of the High Commissioner to convene other regional governmental consultations on this matter;

16. *Requests* the Working Group to continue to take into account, in the discharge of its mandate, the fact that mercenary activities continue to occur in many parts of the world and are taking on new forms, manifestations and modalities, and, in this regard, requests its members to continue to pay particular attention to the impact of the activities of private companies offering military assistance, consultancy and security services on the international market on the enjoyment of human rights and the exercise of the right of peoples to self-determination;

17. *Urges* all States to cooperate fully with the Working Group in the fulfilment of its mandate;

[7] See E/CN.4/2004/15, para. 47.

18. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group with all the necessary assistance and support for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

19. *Requests* the Working Group to consult States and intergovernmental and non-governmental organizations in the implementation of the present resolution and to report, with specific recommendations, to the General Assembly at its sixty-third session its findings on the use of mercenaries to undermine the enjoyment of all human rights and to impede the exercise of the right of peoples to self-determination;

20. *Decides* to consider at its sixty-third session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the item entitled "Right of peoples to self-determination".

Draft resolution III
The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling, in this regard, its resolution 2625 (XXV) of 24 October 1970 entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations",

Bearing in mind the International Covenants on Human Rights,[1] the Universal Declaration of Human Rights,[2] the Declaration on the Granting of Independence to Colonial Countries and Peoples[3] and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,[4]

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[5]

Recalling also the United Nations Millennium Declaration,[6]

Recalling further the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,[7] and noting in particular the reply of the Court, including on the right of peoples to self-determination, which is a right *erga omnes*,[8]

Recalling the conclusion of the Court, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,[9]

Expressing the urgent need for the resumption of negotiations within the Middle East peace process on its agreed basis and for the speedy achievement of a just, lasting and comprehensive peace settlement between the Palestinian and Israeli sides,

Stressing the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem,

Recalling its resolution 61/152 of 19 December 2006,

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[1] Resolution 2200 A (XXI), annex.
[2] Resolution 217 A (III).
[3] Resolution 1514 (XV).
[4] A/CONF.157/24 (Part I), chap. III.
[5] See resolution 50/6.
[6] See resolution 55/2.
[7] See A/ES-10/273 and Corr.1.
[8] Ibid., advisory opinion, para. 88.
[9] Ibid., para. 122.

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, including the right to their independent State of Palestine;

2. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.

United Nations A/62/439

General Assembly

Distr.: General
30 November 2007

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Sixty-second session
Agenda item 70

Promotion and protection of human rights

Report of the Third Committee*

Rapporteur: Ms. Tebatso Future **Baleseng** (Botswana)

I. Introduction

1. At its 3rd plenary meeting, on 21 September 2007, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-second session the item entitled:

"Promotion and protection of human rights:

"(a) Implementation of human rights instruments;

"(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms;

"(c) Human rights situations and reports of special rapporteurs and representatives;

"(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action;

"(e) Convention on the Rights of Persons with Disabilities;

"(f) Celebration of the sixtieth anniversary of the Universal Declaration of Human Rights";

and to allocate it to the Third Committee.

2. An account of the Third Committee's consideration of the item is given in the addenda to the present report.

3. For its consideration of the item, the Committee had before it the following documents:

* The report of the Committee on this item is being issued in seven parts, under the symbols A/62/439 and Add.1-6.

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Item 70
Promotion and protection of human rights

Report of the United Nations High Commissioner for Human Rights[1]

Letter dated 21 September 2007 from the representative of Ukraine to the Secretary-General (A/62/369)

Letter dated 2 October 2007 from the representative of Cuba to the Secretary-General (A/62/464)

Letter dated 18 October 2007 from the representative of Pakistan to the Secretary-General, transmitting the Final communiqué of the annual coordination meeting of the Ministers for Foreign Affairs of the States members of the Organization of the Islamic Conference, held at United Nations Headquarters on 2 October 2007 (A/62/507-S/2007/636)

Letter dated 18 October 2007 from the representative of the Russian Federation to the President of the General Assembly (A/C.3/62/6)

Item 70 (a)
Implementation of human rights instruments

Report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its fifth and sixth sessions[2]

Report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/62/180)

Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/62/189)

Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/62/273)

Report of the Secretary-General on the protection of migrants (A/62/299)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/62/221)

Note by the Secretary-General submitting the report of the chairpersons of the human rights treaty bodies on their nineteenth meeting (A/62/224)

Letter dated 22 October 2007 from the representative of Uzbekistan to the Secretary-General (A/C.3/62/5)

Letter dated 16 November 2007 from the representative of Uzbekistan to the Secretary-General (A/C.3/62/8)

Item 70 (b)
Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Report of the Secretary-General on the right to development (A/62/183)

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[1] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 36* (A/62/36).
[2] Ibid., *Supplement No. 48* (A/62/48).

Report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights (A/62/222)

Report of the Secretary-General on human rights and cultural diversity (A/62/254)

Report of the Secretary-General on human rights and unilateral coercive measures (A/62/255)

Report of the Secretary-General on national institutions for the promotion and protection of human rights (A/62/287)

Report of the Secretary-General on combating defamation of religions (A/62/288)

Report of the Secretary-General on strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization (A/62/293)

Report of the Secretary-General on protecting human rights and fundamental freedoms while countering terrorism (A/62/298)

Report of the Secretary-General on the Subregional Centre for Human Rights and Democracy in Central Africa (A/62/317)

Report of the Secretary-General on the Khmer Rouge trials (A/62/304)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the independence of judges and lawyers (A/62/207)

Note by the Secretary-General transmitting the report of the independent expert on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights (A/62/212)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/62/214)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the human rights of migrants (A/62/218)

Note by the Secretary-General transmitting the report of the Special Representative of the Secretary-General on the situation of human rights defenders (A/62/225)

Note by the Secretary-General transmitting the report of the Representative of the Secretary-General on the human rights of internally displaced persons (A/62/227)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/62/265)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur on freedom of religion or belief (A/62/280)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur on the right to food (A/62/289)

Note verbale dated 17 October 2007 from the Permanent Mission of Turkey to the Secretary-General (A/C.3/62/3)

Letter dated 16 November 2007 from the representative of Uzbekistan to the Secretary-General (A/C.3/62/8)

Item 70 (e)
Human rights situations and reports of special rapporteurs and representatives

Report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea (A/62/318)

Report of the Secretary-General on the situation of human rights in Myanmar (A/62/498)

Note by the Secretary-General transmitting the interim report of the independent expert on the situation of human rights in Burundi (A/62/213)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in Myanmar (A/62/223)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/62/263)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (A/62/264)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (A/62/275)

Note by the Secretary-General transmitting the report of the independent expert on the situation of human rights in the Democratic Republic of the Congo (A/62/313)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in the Sudan (A/62/354)

Letter dated 24 October 2007 from the representative of Belarus to the Secretary-General (A/C.3/62/4)

Letter dated 5 November 2007 from the representative of Myanmar to the Secretary-General (A/C.3/62/7)

Item 70 (d)
Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

No documents submitted.

Item 70 (e)
Convention on the Rights of Persons with Disabilities

Report of the Secretary-General on the status of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto (A/62/230)

Item 70 (f)
Celebration of the sixtieth anniversary of the Universal Declaration of Human Rights

No documents submitted.

II. Consideration of a draft decision proposed by the Chairman

4. At its 54th meeting, on 28 November, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of a number of documents considered in connection with the question of human rights (see para. 5).

III. Recommendation of the Third Committee

5. The Third Committee recommends to the General Assembly the adoption of the following draft decision:

Reports considered by the General Assembly in connection with the promotion and protection of human rights

The General Assembly takes note of the following reports under the item entitled "Promotion and protection of human rights":

Report of the United Nations High Commissioner for Human Rights.[1]

Under sub-item (a):

(a) Report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery;[2]

(b) Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture;[3]

(c) Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[4]

(d) Report of the Secretary-General on the protection of migrants;[5]

(e) Note by the Secretary-General submitting the report of the chairpersons of the human rights treaty bodies on their nineteenth meeting.[6]

Under sub-item (b):

(a) Report of the Secretary-General on the right to development;[7]

(b) Report of the Secretary-General on national institutions for the promotion and protection of human rights;[8]

(c) Report of the Secretary-General on the Khmer Rouge trials;[9]

(d) Note by the Secretary-General transmitting the report of the Special Rapporteur on the independence of judges and lawyers;[10]

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[1] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 36* (A/62/36).
[2] A/62/180.
[3] A/62/189.
[4] A/62/273.
[5] A/62/299.
[6] A/62/224.
[7] A/62/183.
[8] A/62/287.
[9] A/62/304.
[10] A/62/207.

(e) Note by the Secretary-General transmitting the report of the independent expert on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights;[11]

(f) Note by the Secretary-General transmitting the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;[12]

(g) Note by the Secretary-General transmitting the report of the Special Rapporteur on the human rights of migrants;[13]

(h) Note by the Secretary-General transmitting the interim report of the Special Rapporteur on extrajudicial, summary or arbitrary executions.[14]

Under sub-item (c):

(a) Note by the Secretary-General transmitting the interim report of the independent expert on the situation of human rights in Burundi;[15]

(b) Note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967;[16]

(c) Note by the Secretary-General transmitting the report of the independent expert on the situation of human rights in the Democratic Republic of the Congo;[17]

(d) Note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in the Sudan.[18]

Under sub-item (e):

Report of the Secretary-General on the status of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto.[19]

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[11] A/62/212.
[12] A/62/214.
[13] A/62/218.
[14] A/62/265.
[15] A/62/213.
[16] A/62/275.
[17] A/62/313.
[18] A/62/354.
[19] A/62/230.

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Agenda item 70 (a)

Promotion and protection of human rights: implementation of human rights instruments

Report of the Third Committee*

Rapporteur: Ms. Tebatso Future **Baleseng** (Botswana)

I. Introduction

1. At its 3rd plenary meeting, on 21 September 2007, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-second session, under the item entitled "Promotion and protection of human rights", the sub-item entitled "Implementation of human rights instruments" and to allocate it to the Third Committee.

2. The Third Committee considered the sub-item at its 20th, 21st, 28th, 29th, 34th and 51st meetings, on 23, 29 and 31 October and on 21 November 2007. The Committee held a general discussion on the sub-item jointly with sub-items 70 (d) and (f) at its 20th and 21st meetings, and took action on sub-item 70 (a) at its 29th, 34th and 51st meetings. An account of the Committee's consideration is contained in the relevant summary records (A/C.3/62/SR.20, 21, 28, 29, 34 and 51).

3. For the documents before the Committee under this sub-item, see document A/62/439.

4. At the 20th meeting, on 23 October, the Director of the Office of the United Nations High Commissioner for Human Rights, New York, made an introductory statement (see A/C.3/62/SR.20).

5. At the 28th meeting, on 29 October, the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment made a presentation and engaged in a dialogue with the representatives of Sri Lanka, Portugal (on behalf of the States Members of the United Nations that are members of the European Union), Indonesia, the Islamic Republic of Iran,

* The report of the Committee on this item is being issued in seven parts, under the symbol A/62/439 and Add.1-6.

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Norway, China, Nigeria, Switzerland, Finland, South Africa, Iraq, Canada, Chile and Paraguay (see A/C.3/62/SR.28).

II. Consideration of proposals

A. Draft resolution A/C.3/62/L.25

6. At the 29th meeting, on 29 October, the representative of Sweden, on behalf of Albania, Argentina, Armenia, Austria, Belgium, Benin, the Bolivarian Republic of Venezuela, Bolivia, Bosnia and Herzegovina, Bulgaria, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Mexico, Moldova, the Netherlands, New Zealand, Nigeria, Norway, Panama, Peru, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "International Covenants on Human Rights" (A/C.3/62/L.25). Subsequently, Angola, Azerbaijan, Cape Verde, the Dominican Republic, Greece, Israel, Lithuania, Malta, Monaco, Montenegro, Nicaragua, Timor-Leste, Ukraine and Uruguay joined in sponsoring the draft resolution.

7. At its 34th meeting, on 31 October, the Committee was advised that the draft resolution had no programme budget implications.

8. Also at its 34th meeting, the Committee adopted draft resolution A/C.3/62/L.25, without a vote (see para. 16).

9. Before the adoption of the draft resolution, a statement was made by the representative of the United States of America (see A/C.3/62/SR.34).

B. Draft resolution A/C.3/62/L.26 and Rev.1 and amendment contained in document A/C.3/62/L.27

10. At the 29th meeting, on 29 October, the representative of Denmark, on behalf of Albania, Argentina, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Costa Rica, Croatia, the Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Mexico, Montenegro, the Netherlands, New Zealand, Nigeria, Norway, Panama, Paraguay, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and Turkey, introduced a draft resolution entitled "Torture and other cruel, inhuman or degrading treatment or punishment" (A/C.3/62/L.26). Subsequently, Armenia, Benin, Cape Verde, the Dominican Republic, Ecuador, Georgia, Lithuania, Moldova, Nicaragua and Ukraine joined in sponsoring the draft resolution. The draft resolution read as follows:

"*The General Assembly*,

"*Reaffirming* that no one shall be subjected to torture or to other cruel, inhuman or degrading treatment or punishment,

"*Recalling* that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right that must be protected under all circumstances, including in times of international or internal armed conflict or disturbance, and that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in relevant international instruments,

"*Recalling also* that a number of international, regional and domestic courts, including the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, have recognized that the prohibition of torture is a peremptory norm of international law and have held that the prohibition of cruel, inhuman or degrading treatment or punishment is customary international law,

"*Recalling further* the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, without prejudice to any international instrument or national legislation which contains or may contain provisions of wider application,

"*Noting* that under the Geneva Conventions of 1949 torture and inhuman treatment are a grave breach and that under the statutes of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 and the Rome Statute of the International Criminal Court acts of torture in armed conflict constitute war crimes and can constitute crimes against humanity,

"*Welcoming* the establishment of national mechanisms for the prevention of torture pursuant to the obligations of States parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which entered into force on 22 June 2006,

"*Welcoming also* the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance by the General Assembly in its resolution 61/177 of 20 December 2006,

"*Commending* the persistent efforts by non-governmental organizations, including the considerable network of centres for the rehabilitation of victims of torture, to combat torture and to alleviate the suffering of victims of torture,

"1. *Condemns* all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

"2. *Emphasizes* that States must take persistent, determined and effective measures to prevent and combat torture and other cruel, inhuman or degrading treatment or punishment, including their gender-based

manifestations, and stresses that all acts of torture must be made offences under domestic criminal law;

"3. *Also emphasizes* the importance of States ensuring proper follow-up to the recommendations and conclusions of the relevant treaty bodies and mechanisms, including the Committee against Torture, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment;

"4. *Condemns* any action or attempt by States or public officials to legalize, authorize or acquiesce in torture and other cruel, inhuman or degrading treatment or punishment under any circumstances, including on grounds of national security or through judicial decisions;

"5. *Stresses* that all allegations of torture or other cruel, inhuman or degrading treatment or punishment must be promptly and impartially examined by the competent national authority, that those who encourage, order, tolerate or perpetrate acts of torture must be held responsible, prosecuted and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have been committed;

"6. *Takes note* in this respect of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Principles) as a useful tool in efforts to prevent and combat torture and of the updated set of principles for the protection of human rights through action to combat impunity;

"7. *Calls upon* States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to fulfil their obligations to prosecute or extradite those alleged to have committed acts of torture;

"8. *Calls upon* all States to ensure that persons convicted of torture or other cruel, inhuman or degrading treatment or punishment have no subsequent involvement in the custody, interrogation or treatment of any person under arrest, detention, imprisonment or other deprivation of liberty;

"9. *Emphasizes* that acts of torture in armed conflict are serious violations of international humanitarian law and in this regard constitute war crimes, that acts of torture can constitute crimes against humanity and that the perpetrators of all acts of torture must be prosecuted and punished;

"10. *Urges* States to ensure that any statement that is established to have been made as a result of torture or other cruel, inhuman or degrading treatment or punishment shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made;

"11. *Stresses* that States must not punish personnel who are involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment or any other form of deprivation of liberty for not obeying orders to commit or conceal acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

"12. *Urges* States not to expel, return ("refuter"), extradite or in any other way transfer a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture, and recognizes that diplomatic assurances, where used, do not release States from their obligations under international human rights, humanitarian and refugee law, in particular the principle of non-defilement;

"13. *Stresses* that national legal systems must ensure that victims of torture and other cruel, inhuman or degrading treatment or punishment obtain redress, are awarded fair and adequate compensation and receive appropriate social and medical rehabilitation, urges States to take effective measures to this end, and in this regard encourages the development of rehabilitation centres;

"14. *Recalls* its resolution 43/173 of 9 December 1988 on the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and in this context stresses that ensuring that any individual arrested or detained is promptly brought before a judge or other independent judicial officer in person and permitting prompt and regular medical care and legal counsel as well as visits by family members and independent monitoring mechanisms are effective measures for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

"15. *Reminds* all States that prolonged incommunicado detention or detention in secret places facilitates the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and dignity of the person;

"16. *Calls upon* all States to take appropriate effective legislative, administrative, judicial and other measures to prevent and prohibit the production, trade, export and use of equipment that is specifically designed to inflict torture or other cruel, inhuman or degrading treatment or punishment;

"17. *Urges* all States that have not yet done so to become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as a matter of priority;

"18. *Invites* all States parties to the Convention that have not yet done so to make the declarations provided for in articles 21 and 22 of the Convention concerning inter-State and individual communications, to consider the possibility of withdrawing their reservations to article 20 of the Convention and to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention with a view to enhancing the effectiveness of the Committee against Torture as soon as possible;

"19. *Urges* States parties to comply strictly with their obligations under the Convention, including, in view of the high number of reports not submitted in time, their obligation to submit reports in accordance with article 19 of the Convention, and invites States parties to incorporate a gender perspective and information concerning children and juveniles and persons with disabilities when submitting reports to the Committee against Torture;

"20. *Calls upon* States parties also to become parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which provides further measures for use in the fight against and prevention of torture and other cruel, inhuman or degrading treatment or punishment;

"21. *Welcomes* the work of the Committee against Torture and its report submitted in accordance with article 24 of the Convention, recommends that the Committee continue to include information on the follow-up by States to its recommendations, and encourages the Committee to further strengthen efforts to ensure that its meeting time is used most effectively;

"22. *Calls upon* the United Nations High Commissioner for Human Rights, in conformity with her mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to continue to provide, at the request of States, advisory services for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, including for the preparation of national reports to the Committee against Torture and for the establishment and operation of national preventive mechanisms, as well as technical assistance for the development, production and distribution of teaching material for this purpose;

"23. *Notes with appreciation* the interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and encourages the Special Rapporteur to continue to include in his recommendations proposals on the prevention and investigation of torture and other cruel, inhuman or degrading treatment or punishment, including its gender-based manifestations;

"24. *Requests* the Special Rapporteur to continue to consider including in his report information on the follow-up by States to his recommendations, visits and communications, including progress made and problems encountered, and on other official contacts;

"25. *Calls upon* all States to fully cooperate with and assist the Special Rapporteur in the performance of his task, to supply all necessary information requested by the Special Rapporteur, to thoroughly and expeditiously respond to and follow up his urgent appeals, to respond favourably and rapidly to requests by the Special Rapporteur to visit their countries and to enter into a constructive dialogue with the Special Rapporteur on requested visits to their countries as well as with respect to the follow-up to his recommendations;

"26. *Stresses* the need for the continued regular exchange of views among the Committee against Torture, the Subcommittee on Prevention of Torture, the Special Rapporteur and other relevant United Nations mechanisms and bodies, as well as for the pursuance of cooperation with relevant United Nations programmes, notably the United Nations Crime Prevention and Criminal Justice Programme, with regional organizations and mechanisms and non-governmental organizations with a view to enhancing further their effectiveness and cooperation on issues relating to the prevention and eradication of torture, inter alia, by improving their coordination;

"27. *Recognizes* the global need for international assistance to victims of torture, stresses the importance of the work of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, and appeals to all States and organizations to contribute annually to the Fund, preferably with a substantial increase in the level of contributions, and to contribute to the Voluntary Fund established by the Optional Protocol to help finance the implementation of the recommendations made by the Subcommittee on Prevention of Torture;

"28. *Requests* the Secretary-General to continue to transmit to all States the appeals of the General Assembly for contributions to the Funds and to include the Funds on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

"29. *Also requests* the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and facilities for the bodies and mechanisms involved in preventing and combating torture and assisting victims of torture or other cruel, inhuman or degrading treatment or punishment commensurate with the strong support expressed by Member States for preventing and combating torture and assisting victims of torture;

"30. *Further requests* the Secretary-General to submit to the Human Rights Council and to the General Assembly at its sixty-third session a report on the status of the Convention and a report on the operations of the Fund;

"31. *Calls upon* all States, the Office of the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies, as well as relevant intergovernmental and non-governmental organizations, to commemorate, on 26 June, the United Nations International Day in Support of Victims of Torture;

"32. *Decides* to consider at its sixty-third session the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture, the report of the Committee against Torture and the interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment."

11. At its 51st meeting, on 21 November, the Committee had before it a revised draft resolution entitled "Torture and other cruel, inhuman or degrading treatment or punishment" (A/C.3/62/L.26/Rev.1), sponsored by Albania, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Cape Verde, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Moldova, Monaco, Montenegro, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay. Subsequently, Bangladesh, Burkina Faso, the Congo, Côte d'Ivoire, Kyrgyzstan,

Mauritania, Micronesia (Federated States of), Mongolia, Morocco, Rwanda and Timor-Leste joined in sponsoring the draft resolution.

12. At the same meeting, the Committee was advised that the draft resolution had no programme budget implications.

13. Also at the same meeting, the representative of Denmark orally revised the text by adding at the end of the last preambular paragraph the words "and its relevant resolutions".

14. Also at the 51st meeting, the representative of Belarus made a statement, in which he withdrew the amendment contained in document A/C.3/62/L.27 (see A/C.3/62/SR.51).

15. At its 51st meeting, the Committee adopted draft resolution A/C.3/62/L.26/Rev.1, as orally revised, without a vote (see para. 16).

III. Recommendation of the Third Committee

16. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
International Covenants on Human Rights

The General Assembly,

Recalling its resolution 60/149 of 16 December 2005 and Commission on Human Rights resolution 2004/69 of 21 April 2004,[1]

Mindful that the International Covenants on Human Rights[2] constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights,[3] form the core of the International Bill of Human Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights[2] and the International Covenant on Civil and Political Rights,[2] and reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated, that they should be treated in a fair and equal manner, on the same footing and with the same emphasis, and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Recognizing the important role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in examining the progress made by States parties in fulfilling the obligations undertaken in the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights[4] and in providing recommendations to States parties on their implementation,

Considering that the effective functioning of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights is indispensable for the full and effective implementation of the International Covenants on Human Rights,

Noting the ongoing deliberations on the proposal to rectify the legal status of the Committee on Economic, Social and Cultural Rights,

Recognizing the importance of regional human rights instruments and monitoring mechanisms in complementing the universal system of promotion and protection of human rights,

1. *Reaffirms* the importance of the International Covenants on Human Rights[2] as major components of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

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[1] *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[2] Resolution 2200 A (XXI), annex.

[3] Resolution 217 A (III).

[4] Resolution 2200 A (XXI), annex, and resolution 44/128, annex.

2. *Strongly appeals* to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights[2] and the International Covenant on Civil and Political Rights,[2] and to consider as a matter of priority acceding to the Optional Protocols to the International Covenant on Civil and Political Rights[4] and making the declaration provided for in article 41 of the International Covenant on Civil and Political Rights, and, while acknowledging that additional States have recently become parties to these instruments, requests the Secretary-General to continue to support the annual treaty event to this end;

3. *Invites* the United Nations High Commissioner for Human Rights to intensify systematic efforts to encourage States to become parties to the International Covenants on Human Rights and, through the programme of advisory services in the field of human rights, to assist such States, at their request, in ratifying or acceding to the Covenants and to the Optional Protocols to the International Covenant on Civil and Political Rights with a view to achieving universal adherence;

4. *Calls for* the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

5. *Emphasizes* that States must ensure that any measure to combat terrorism complies with their obligations under relevant international law, including their obligations under the International Covenants on Human Rights, and takes note with appreciation of the reports submitted by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;[5]

6. *Stresses* the importance of avoiding the erosion of human rights by derogation, and recalls that certain rights are recognized as non-derogable in any circumstances, underlines the exceptional and temporary nature of any such derogations, and that they must be in accordance with the conditions and procedures stipulated under article 4 of the International Covenant on Civil and Political Rights, bearing in mind the need for States parties to provide the fullest possible information during states of emergency so that the justification for the appropriateness of measures taken in those circumstances can be assessed, and in this regard takes note of General Comment No. 29 adopted by the Human Rights Committee;[6]

7. *Encourages* States parties to consider limiting the extent of any reservations that they lodge to the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, to formulate any reservations as precisely and narrowly as possible and to regularly review such reservations with a view to withdrawing them so as to ensure that no reservation is incompatible with the object and purpose of the relevant treaty;

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[5] A/HRC/4/26, E/CN.4/2006/98, A/62/263, A/61/267 and A/60/370.

[6] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 40* (A/56/40), vol. I, annex VI.

8. *Welcomes* the annual reports of the Human Rights Committee submitted to the General Assembly at its sixty-first[7] and sixty-second[8] sessions, and takes note of the General Comments adopted by the Committee, including the most recent, General Comment No. 32 on the right to equality before courts and tribunals and to a fair trial;[9]

9. *Also welcomes* the reports of the Committee on Economic, Social and Cultural Rights on its thirty-fourth and thirty-fifth sessions[10] and on its thirty-sixth and thirty-seventh sessions,[11] and takes note of the General Comments adopted by the Committee, including the most recent, General Comment No. 17 on the right of everyone to benefit from the protection of the moral and material interest resulting from any scientific, literary or artistic production of which he or she is an author,[12] and General Comment No. 18 on the right to work;[13]

10. *Expresses regret* at the number of States parties that have failed to fulfil their reporting obligations under the International Covenants on Human Rights, urges States parties to fulfil their reporting obligations on time, invites them to make use of the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents,[14] when submitting reports, and urges States to attend and participate in the consideration of the reports by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights when so requested;

11. *Urges* States parties to make use in their reports of sex-disaggregated data, and stresses the importance of integrating a gender perspective in the implementation of the International Covenants on Human Rights at the national level, including in the national reports of States parties and in the work of the Human Rights Committee and of the Committee on Economic, Social and Cultural Rights;

12. *Strongly encourages* States parties that have not yet submitted core documents to the Office of the United Nations High Commissioner for Human Rights to do so, invites them to make use of the harmonized guidelines on reporting, and also invites all States parties regularly to review and update their core documents while bearing in mind the current discussion on the elaboration of an expanded core document;

13. *Urges* States parties to take duly into account, in implementing the provisions of the International Covenants on Human Rights, the recommendations and observations made during the consideration of their reports by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights, and the views adopted by the Human Rights Committee under the first Optional Protocol to the International Covenant on Civil and Political Rights;[2]

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[7] Ibid., *Sixty-first Session, Supplement No. 40* (A/61/40), vol. I and II.
[8] Ibid., *Sixty-second Session, Supplement No. 40* (A/62/40), vol. I.
[9] CCPR/C/GC/32.
[10] *Official Records of the Economic and Social Council, 2006, Supplement No. 2* (E/2006/22).
[11] Ibid., *2007, Supplement No. 2* (E/2007/22).
[12] E/C.12/GC/17.
[13] E/C.12/GC/18.
[14] HRI/GEN/2/Rev.4, chap. I.

14. *Urges* all States to publish the texts of the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many local languages as possible and to distribute them and make them known as widely as possible to all individuals within their territory and subject to their jurisdiction;

15. *Urges* each State party to give particular attention to the dissemination at the national level of their reports submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights and, further, to translate, publish and make available as widely as possible to all individuals within its territory and subject to its jurisdiction by appropriate means the full text of the recommendations and observations made by the Committees after the examination of those reports;

16. *Reiterates* that States parties should take into account, in their nomination of members to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, that the Committees shall be composed of persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience, and to equal representation of women and men, and that members serve in their personal capacity, and also reiterates that, in the elections of the Committees, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems;

17. *Invites* the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, when considering the reports of States parties, to continue to identify specific needs that might be addressed by United Nations departments, funds and programmes and the specialized agencies, including through the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights;

18. *Stresses* the need for improved coordination among relevant United Nations mechanisms and bodies in supporting States parties, upon their request, in implementing the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, and encourages continued efforts in this direction;

19. *Expresses its appreciation* for the efforts made so far by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to improve the efficiency of their working methods, encourages the Committees to pursue their efforts, welcomes in this regard the meetings held by the Committees and States parties to exchange ideas on how to render the working methods of the Committees more efficient, and encourages all States parties to continue to contribute to the dialogue with practical and concrete proposals and ideas on ways to improve the effective functioning of the Committees;

20. *Takes note with appreciation* of the reports of the Working Group on the Harmonization of Working Methods of Treaty Bodies,[15] and looks forward to further deliberations in this regard;

[15] HRI/MC/2007/2 and Add.1.

21. *Also takes note with appreciation* of the report of the Open-ended Working Group on an optional protocol to the International Covenant on Economic, Social and Cultural Rights on its fourth session,[16] and encourages all parties to participate actively in the fifth session;

22. *Encourages* the specialized agencies that have not yet done so to submit their reports on the progress made in achieving the observance of the provisions of the International Covenant on Economic, Social and Cultural Rights, in accordance with article 18 of the Covenant, and expresses its appreciation to those that have done so;

23. *Encourages* the Secretary-General to continue to assist States parties to the International Covenants on Human Rights in the timely preparation of their reports, including by convening seminars or workshops at the national level for the training of government officials engaged in the preparation of such reports and by exploring other possibilities at the request of States, such as the programme of advisory services in the field of human rights and technical cooperation;

24. *Requests* the Secretary-General to ensure that the Office of the United Nations High Commissioner for Human Rights effectively assists the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates by providing, inter alia, adequate Secretariat staff resources and conference and other relevant support services;

25. *Also requests* the Secretary-General to keep the General Assembly informed of the status of the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations, through the United Nations websites.

[16] A/HRC/6/8.

Draft resolution II
Torture and other cruel, inhuman or degrading treatment or punishment

The General Assembly,

Reaffirming that no one shall be subjected to torture or to other cruel, inhuman or degrading treatment or punishment,

Recalling that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right that must be protected under all circumstances, including in times of international or internal armed conflict or disturbance, and that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in relevant international instruments,

Recalling also that a number of international, regional and domestic courts, including the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, have recognized that the prohibition of torture is a peremptory norm of international law and have held that the prohibition of cruel, inhuman or degrading treatment or punishment is customary international law,

Recalling further the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[1] without prejudice to any international instrument or national legislation which contains or may contain provisions of wider application,

Emphasizing the importance of properly interpreting and implementing the obligations of States with respect to torture and other cruel, inhuman or degrading treatment or punishment, and of abiding strictly by the definition of torture contained in article 1 of the Convention,

Noting that under the Geneva Conventions of 1949[2] torture and inhuman treatment are a grave breach and that under the statutes of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 and the Rome Statute of the International Criminal Court[3] acts of torture can constitute crimes against humanity and, when committed in a situation of armed conflict, constitute war crimes,

Welcoming the establishment of national mechanisms for the prevention of torture pursuant to the obligations of States parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[4] which entered into force on 22 June 2006,

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[1] United Nations, *Treaty Series*, vol. 1465, No. 24841.
[2] Ibid., vol. 75, Nos. 970-973.
[3] Ibid., vol. 2187, No. 38544.
[4] Resolution 57/199, annex.

Acknowledging the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance by the General Assembly in its resolution 61/177 of 20 December 2006, and recognizing that its entry into force, expected before the sixty-third session of the General Assembly, will be a significant event,

Commending the persistent efforts by civil society organizations, including non-governmental organizations and the considerable network of centres for the rehabilitation of victims of torture, to combat torture and to alleviate the suffering of victims of torture,

Bearing in mind the special procedures review process being undertaken by the Human Rights Council, and its relevant resolutions,

1. *Condemns* all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

2. *Emphasizes* that States must take persistent, determined and effective measures to prevent and combat torture and other cruel, inhuman or degrading treatment or punishment, including their gender-based manifestations, and stresses that all acts of torture must be made offences under domestic criminal law;

3. *Also emphasizes* the importance of States ensuring proper follow-up to the recommendations and conclusions of the relevant treaty bodies and mechanisms, including the Committee against Torture, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment;

4. *Condemns* any action or attempt by States or public officials to legalize, authorize or acquiesce in torture and other cruel, inhuman or degrading treatment or punishment under any circumstances, including on grounds of national security or through judicial decisions;

5. *Stresses* that all allegations of torture or other cruel, inhuman or degrading treatment or punishment must be promptly and impartially examined by the competent national authority, that those who encourage, order, tolerate or perpetrate acts of torture must be held responsible, brought to justice and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have been committed;

6. *Takes note* in this respect of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Principles)[5] as a useful tool in efforts to prevent and combat torture and of the updated set of principles for the protection of human rights through action to combat impunity;[6]

[5] Resolution 55/89, annex.

[6] See E/CN.4/2005/102/Add.1.

7. *Calls upon* States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[1] to fulfil their obligations to submit for prosecution or extradite those alleged to have committed acts of torture;

8. *Encourages* all States to ensure that persons convicted of torture or other cruel, inhuman or degrading treatment or punishment have no subsequent involvement in the custody, interrogation or treatment of any person under arrest, detention, imprisonment or other deprivation of liberty;

9. *Emphasizes* that acts of torture in armed conflict are serious violations of international humanitarian law and in this regard constitute war crimes, that acts of torture can constitute crimes against humanity and that the perpetrators of all acts of torture must be prosecuted and punished;

10. *Strongly urges* States to ensure that any statement that is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made;

11. *Stresses* that States must not punish personnel who are involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment or any other form of deprivation of liberty for not obeying orders to commit or conceal acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

12. *Urges* States not to expel, return ("refouler"), extradite or in any other way transfer a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture, and recognizes that diplomatic assurances, where used, do not release States from their obligations under international human rights, humanitarian and refugee law, in particular the principle of non-refoulement;

13. *Stresses* that national legal systems must ensure that victims of torture and other cruel, inhuman or degrading treatment or punishment obtain redress, are awarded fair and adequate compensation and receive appropriate social and medical rehabilitation, urges States to take effective measures to this end, and in this regard encourages the development of rehabilitation centres;

14. *Recalls* its resolution 43/173 of 9 December 1988 on the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and in this context stresses that ensuring that any individual arrested or detained is promptly brought before a judge or other independent judicial officer in person and permitting prompt and regular medical care and legal counsel as well as visits by family members and independent monitoring mechanisms are effective measures for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

15. *Reminds* all States that prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and dignity of the person;

16. *Calls upon* all States to take appropriate effective legislative, administrative, judicial and other measures to prevent and prohibit the production,

trade, export and use of equipment that is specifically designed to inflict torture or other cruel, inhuman or degrading treatment or punishment;

17. *Urges* all States that have not yet done so to become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as a matter of priority;

18. *Invites* all States parties to the Convention that have not yet done so to make the declarations provided for in articles 21 and 22 of the Convention concerning inter-State and individual communications, to consider the possibility of withdrawing their reservations to article 20 of the Convention and to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention with a view to enhancing the effectiveness of the Committee against Torture as soon as possible;

19. *Urges* States parties to comply strictly with their obligations under the Convention, including, in view of the high number of reports not submitted in time, their obligation to submit reports in accordance with article 19 of the Convention, and invites States parties to incorporate a gender perspective and information concerning children and juveniles and persons with disabilities when submitting reports to the Committee against Torture;

20. *Calls upon* States parties also to give early consideration to signing and ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[4] which provides further measures for use in the fight against and prevention of torture and other cruel, inhuman or degrading treatment or punishment;

21. *Welcomes* the work of the Committee against Torture and its report submitted in accordance with article 24 of the Convention,[7] recommends that the Committee continue to include information on the follow-up by States to its recommendations, and supports the Committee in its intention to further improve the effectiveness of its working sessions;

22. *Calls upon* the United Nations High Commissioner for Human Rights, in conformity with her mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to continue to provide, at the request of States, advisory services for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, including for the preparation of national reports to the Committee against Torture and for the establishment and operation of national preventive mechanisms, as well as technical assistance for the development, production and distribution of teaching material for this purpose;

23. *Notes with appreciation* the interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment,[8] and encourages the Special Rapporteur to continue to include in his recommendations proposals on the prevention and investigation of torture and other cruel, inhuman or degrading treatment or punishment, including its gender-based manifestations;

24. *Requests* the Special Rapporteur to continue to consider including in his report information on the follow-up by States to his recommendations, visits and

[7] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 44* (A/62/44).
[8] See A/62/221.

communications, including progress made and problems encountered, and on other official contacts;

25. *Calls upon* all States to cooperate with and assist the Special Rapporteur in the performance of his task, to supply all necessary information requested by the Special Rapporteur, to fully and expeditiously respond to and follow up his urgent appeals, to give serious consideration to responding favourably to requests by the Special Rapporteur to visit their countries and to enter into a constructive dialogue with the Special Rapporteur on requested visits to their countries as well as with respect to the follow-up to his recommendations;

26. *Stresses* the need for the continued regular exchange of views among the Committee against Torture, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Special Rapporteur and other relevant United Nations mechanisms and bodies, as well as for the pursuance of cooperation with relevant United Nations programmes, notably the United Nations Crime Prevention and Criminal Justice Programme, with regional organizations and mechanisms, as appropriate, and civil society organizations, including non-governmental organizations, with a view to enhancing further their effectiveness and cooperation on issues relating to the prevention and eradication of torture, inter alia, by improving their coordination;

27. *Recognizes* the global need for international assistance to victims of torture, stresses the importance of the work of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, appeals to all States and organizations to contribute annually to the Fund, preferably with a substantial increase in the level of contributions, and encourages contributions to the Voluntary Fund established by the Optional Protocol to help finance the implementation of the recommendations made by the Subcommittee on Prevention of Torture as well as education programmes of the national preventive mechanisms;

28. *Requests* the Secretary-General to continue to transmit to all States the appeals of the General Assembly for contributions to the Funds and to include the Funds on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

29. *Also requests* the Secretary-General to submit to the Human Rights Council and to the General Assembly at its sixty-third session a report on the operations of the Funds;

30. *Further requests* the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and facilities for the bodies and mechanisms involved in preventing and combating torture and assisting victims of torture or other cruel, inhuman or degrading treatment or punishment commensurate with the strong support expressed by Member States for preventing and combating torture and assisting victims of torture;

31. *Calls upon* all States, the Office of the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies, as well as relevant intergovernmental and civil society organizations, including non-governmental organizations, to commemorate, on 26 June, the United Nations International Day in Support of Victims of Torture;

32. *Decides* to consider at its sixty-third session the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture, the report of the Committee against Torture and the interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.